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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELVIN ANTONIO PAULINO, 02-A-0427,

Plaintiff,

-v-

MID-STATE CORRECTIONAL FACILITY,

Defendant.

DECISION AND ORDER
05-CV-0350S

Plaintiff Elvin Antonio Paulino has brought this action under 42 U.S.C. § 1983, complaining that his constitutional rights were violated at the Mid-State Correctional Facility. However, the Mid-State Correctional Facility is located in the Northern District of New York and the action is deemed to arise under jurisdiction of the United States District Court for the Northern District of New York. Pursuant to 28 U.S.C. § 1406(a), this action is ordered transferred to the United States District Court for the Northern District of New York.

The determination of the plaintiff's motion for permission to proceed *in forma pauperis* has been left to the Northern District of New York and therefore this Court has not sent his signed authorization form to the Mid State Correctional Facility for execution.

IT HEREBY IS ORDERED, that this matter is transferred to the United States District Court for the Northern District of New York.

SO ORDERED.

Dated: MAY 23, 2005
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge